

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JEFFREY C. MOY,
On behalf of himself and
others similarly situated,

Plaintiff,

vs.

ELTMAN, ELTMAN & COOPER, P.C.

Defendant.

**NOTICE OF MOTION FOR
PRELIMINARY APPROVAL
OF CLASS ACTION
SETTLEMENT**

Index: 12-cv-02382- MDG

Hon. Marilyn D. Go

PLEASE TAKE NOTICE that, the parties having consented to referral of the above-referenced action to the Hon. Marilyn D. Go for “all proceeding relating to the joint motion for class settlement approval, including the entry of a final order” (ECF Doc. 24, So Ordered 5/2/13), and pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Class Action Settlement Agreement Between the Parties, Plaintiff’s memorandum of law in support, and all other Exhibits and papers attached hereto, all parties to the above-captioned action hereby jointly move this Honorable Court located at United States Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY, at a time to be determined by the Court, for an Order:

(1) certifying a settlement class defined as follows:

[A]ll those individuals who opt-in timely, who meet the following definition:

All persons to whom EEC, on or after May 15, 2011, sent a letter that was not returned as undeliverable to an address within Kings County regarding an Erin Capital Management LLC account that contained a statement materially identical or substantially similar to the August 18 Letter sent to the Plaintiff, which stated in relevant part: "Currently, no attorney has personally reviewed the particular circumstances of your account, and this letter should not be taken as a representation of any such

review nor as a threat of legal action" when the letter was sent after EEC had previously commenced an action and/or obtained a judgment against that person regarding that same Erin Capital Management LLC account.

- (2) preliminarily approving the proposed settlement agreement;
- (3) appointing Jeffrey C. Moy as class representative and his attorneys, Daniel A. Schlanger, Esq. and Christopher J. McGinn, Esq., as class counsel;
- (4) directing notice to those eligible to opt-in to the class; and
- (5) setting dates for opt-ins, objections, and a Fairness Hearing under the Federal Rule of Civil Procedure 23(c)(2) for the Court's final approval.

Respectfully submitted,



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